

MINUTES

BASEHOR CITY COUNCIL MEETING

September 8, 2003

7:00 PM

Basehor City Hall

Official Presiding: Pres. Julian Espinoza

Members Present: John Bonee, Iris Dysart, William "Bill" Hooker, Keith Sifford

Staff Present: Mike Hooper, Mary Mogle, Gene Myracle, Baron Powell, John Thompson, Joe McAfee

Newspaper: Joshua Roberts, Basehor Sentinel

6:00 PM Worksession

Council met with Mark Tomb, League of Kansas Municipalities, to discuss the possibility of creating and hiring a city administrator.

7:00 PM Council Meeting

In the absence of Mayor Scherer, the September 8, 2003 council meeting was called to order by President Julian Espinoza. Roll call was answered with all council members present. Pledge of Allegiance was recited followed by a moment of silence.

MINUTES

A motion was made by B. Hooker and seconded by K. Sifford to approve the minutes of August 11th and telephone poll of August 18th as written. All aye. Motion carried 5-0.

TREASURER'S REPORT

A motion was made by K. Sifford and seconded by I. Dysart to approve the Treasurer's Report, Vendor Payments and Investment Recommendations as submitted. All aye. Motion carried 5-0.

SCANNED

2-15-7 *AS*

STAFF REPORTS

City Clerk

Computer Replacement – The city clerk reported the new computer systems and file server have not been ordered due to a conflict in backup software pricing. The change in software would realize an increase of approximately \$376.00; however, she received word that Dell Computers reduced the price of file servers which should allow the systems to be purchased at the same price that was approved by the city council on August 11th.

(There were no other staff reports this month)

OLD BUSINESS

Item #1. Review Amendment to Chapter II, Section 2-115 Vicious Dogs of the Animal Control and Regulation Ordinance (Action Item #1)

The city attorney reported the proposed amendment requires the owner of a vicious dog to provide \$50,000 liability insurance; however, after reviewing an ordinance recently adopted by the City of Lansing, he recommended Council increase the insurance amount to \$200,000. The new ordinance makes the owner responsible for injuries to both humans and animals. It will also allow the owner to be held liable both civil and criminal.

Item #2. Sewer Line Replacement-North Interceptor Extension (Action Item #6)

No discussion at this time.

Item #3. 147th & Parallel Improvements

The city superintendent reported due to numerous complaints about the condition of 147th Street and Parallel, he was directed to obtain a project cost estimate for repairs. The city engineer supplied an estimate, along with an contract from his firm for design, inspection and survey costs in the amount of \$49,155.00. Mr. McAfee explained the project cost estimate includes 10" of concrete pavement with curb and gutter, 32 ft. in width. The pavement would cover 200 ft. on either side Parallel Road. Mr. Myracle and Mr. McAfee described the project and explained the associated costs

noting there would be no need for land acquisition since there was ample right-of-way for the project.

Pres. Espinoza questioned if the City could create a benefit district since the cost of the project would exceed \$673,000.00. Councilman Bonee stated he was not in favor of creating a benefit district since those businesses in the Highview Industrial Park already paying higher taxes than residential property owners. Mr. McAfee reminded the Council that these business owners did not pay excise taxes when they moved in and should be responsible in some way for the damage since they are a factor in the deterioration of the street.

President Espinoza stated he would move this discussion to the September 15th worksession in place of the Basehor Library presentation.

Item #4. Ordinance Attesting To An Increase In Tax Revenues For Budget Year 2004 (Action Item #7)

The city clerk explained the State of Kansas requires an ordinance opting out of the tax lid for the 2004 Budget. She explained the ordinance needs to be passed since the City's valuation increase. The passage of this ordinance does not increase the 2004 Budget mill levy.

Item #5. Ordinance Establishing A Consolidated Street and Highway Fund (Action Item #8)

The city treasurer explained the passage of this ordinance would allow the 2004 Budget to consolidate the Special Highway Fund and General Highway Fund into one fund. With the current method, he was not allowed to make fund transfers.

Executive Session (Personnel and Legal Matters)

A motion was made by K. Sifford and seconded by I. Dysart to convene into an executive session for up to forty-five minutes to discuss personnel and legal matters with counsel. All aye. Motion carried 5-0. (7:40 p.m.) The city superintendent was invited to join the executive session.

At 8:19 p.m., Pres. Espinoza reconvened into regular session announcing there was no formal action taken in executive session.

CITIZENS AND PETITIONS (presentations are limited to 5 minutes)

Item #1. Jim Nemeth

Re: Delinquent Sewer and Solid Waste Bill for 15516 Poplar

Mr. Jim Nemeth appeared before the City Council to request a sewer and waste delinquent bill be abated. He explained he recently purchased the property at 15516 Poplar without knowledge that an outstanding utility bill existed. The total delinquent amount due from May 2002 through August 31, 2003 is \$535.16.

President Espinoza informed Mr. Nemeth that this matter would be turned over to the city attorney for review.

Item #2. Brad Pitts

Re: Sewer Backup at 15623 Iron Creek Dr., Iron Creek Subdivision

Mr. Pitts appeared before the City Council to discuss the problem with the sewer backing up into his basement in July and August 31, 2003. He explained that some of his neighbors experienced the same problems. Mr. Pitts read a statement (which has been incorporated by reference to the original minutes) explaining the chain of events that occurred and asked the governing body to give answers as to 1) why the sewer backup occurred; 2) measures the City would take to prevent future problems; 3) would the City pay for the damaged property to be hauled away; 4) would the City reimburse the property owner for damaged property (partial list attached to original minutes); 5) could there be a mechanical part installed that would automatically reduce future sewer backup; and 6) what has been done to prevent the backup from happening in the future.

Council referred Mr. Pitts questions to the city attorney for review.

Item #3. Citizen Comments Regarding Agenda Items,

Mr. James W. Thomas Jr., 15617 Iron Creek Drive, appeared regarding the recent sewer backup that affected him and his neighbors. Mr. Thomas stated he agreed with Mr. Pitts statement; however, he noted he had a problem when he first moved in and was told it was tree roots in the system and paid to have his sewer line "blown out". He reported it was necessary to have Roto Rooter out a second time on a Sunday which required him to pay overtime costs. It was his opinion the City should not allow drains in the basement and should require backflow prevention

devices. The property owner noted he recently spoke with Federal Emergency Management Agency and his attorney regarding the matter and also explained he was told he could not acquire mortgage financing without obtaining flood insurance so he bought insurance; however, the flood insurance would not cover all the damage that was done to his property. He asked Council for reimbursement for the two Roto Rooter bills and reimbursement of the items not covered by insurance. He also wanted to know what the City was going to do to prevent this situation from happening in the future.

President Espinoza asked him to provide the city clerk with a list of questions that he wished the city attorney to research. Mr. Thomas agreed.

Mrs. Pitts questioned the disposal of the contaminated goods that are currently sitting outside. Mr. Espinoza stated he was unable to give her an answer at this meeting.

ACTION ITEMS

Item #1. Approve or Deny Amendment to Chapter II, Section 2-115 Vicious Dogs of the Animal Control and Regulation Ordinance

A motion was made by Bill Hooker and seconded by J. Bonee to approve the Amendment to Chapter II, Section 2-115 Vicious Dogs with the change of increasing the insurance requirement from \$50,000 to \$200,000. All aye. Motion carried 5-0.

Item #2. Approve or Deny Authorizing Hiring of Nichols & Wolfe Chartered and Piper Jaffrey as Financial Consultants for Pinehurst Development Benefit District

A motion was made by J. Bonee and seconded by K. Sifford to approve the contracts with Nichols & Wolfe Chartered and Piper Jaffrey as Financial Consultants for the Pinehurst Development Benefit District. All voted in favor except B. Hooker. Motion carried 4-1.

Item #3. Approve or Deny Resolution Authorizing The Issuance of Temporary Notes for Pinehurst Development Benefit District

A motion was made by J. Bonee and seconded by K. Sifford to approve the Resolution authorizing the issuance of temporary notes for the Pinehurst Development Benefit District contingent on receiving a letter of authorization from the city attorney. All voted in favor except B. Hooker. Motion carried 4-1.

Item #4. Approve or Deny Vacation of Alley Between 155th Terr. & 156th St.

The code administrator explained the 16 ft. alley does not extend past the one lot and leads nowhere. He noted all conditions have been satisfied with other utility companies and recommended approval.

Councilman Bonee explained he owned the property in question and excused himself from voting.

A motion was made by B. Hooker and seconded by K. Sifford to approve the request to vacate the 16 ft. alley between 155th Terr. & 156th St. All voted in favor with Councilman Bonee abstaining. Motion carried 4-0-1.

Item #5. Approve or Deny Creation and Hire of Planning/Inspection Personnel

A motion was made by J. Bonee and seconded by K. Sifford to approve the creation and hiring of a new position to be known as Planning/Building Inspector/Codes Enforcement Officer. Discussion followed. Sifford, Bonee, Espinoza-Aye. Hooker, Dysart-Nay. Motion carried 3-2.

Item #6. Approve or Deny Engineer Cost to Design North Interceptor Extension

A motion was made by K. Sifford and seconded by B. Hooker to approve the contractor with McAfee Engineers for the design of the North Interceptor Extension project in the amount of \$49,155.00. (includes engineering, inspections and survey costs) All aye. Motion carried 5-0.

Item #7 Approve or Deny Ordinance Attesting To An Increase In Tax Revenues For Budget Year 2004

A motion was made by K. Sifford and seconded by I. Dysart to approve an ordinance attesting to an increase in tax revenues for budget year 2004. All aye. Motion carried 5-0.

Item #8. Approve or Deny An Ordinance Establishing A Consolidated Street and Highway Fund

A motion was made by K. Sifford and seconded by J. Bonee to approve an ordinance establishing a Consolidated Street and Highway Fund. All aye. Motion carried 5-0.

Item #9. Contractor Payments for 24/40 Highway Fund/State Revolving Loan

Miles Excavating - \$233,368.74
Ponzer Youngquist- \$ 12,147.00

A motion was made by B. Hooker and seconded by K. Sifford to approve the aforementioned contractor payments on the 24/40 Highway Interceptor Project from the State Revolving Loan in the amount of \$245,515.74. All aye. Motion carried 5-0.

MAYOR'S REPORT

In the absence of Mayor Scherer, there was no report this month.

COUNCIL MEMBER REPORTS

There were no reports given this month.

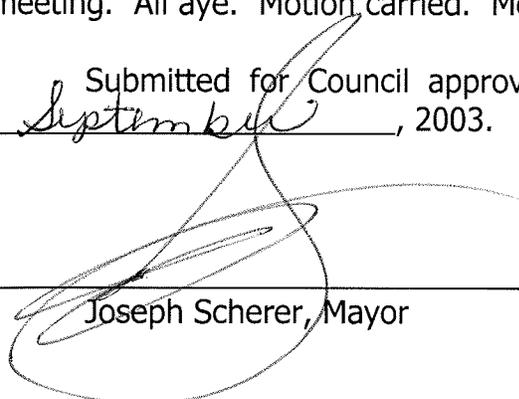
OTHER BUSINESS

City superintendent Gene Myracle requested a worksession to discuss the Wolf Creek Interceptor Line. He explained due to time restraints, discussion should take place in the very near future. Pres. Espinoza stated he would meet with Mayor Scherer and possibly schedule a worksession within the next week.

ADJOURNMENT

A motion was made by B. Hooker and seconded by K. Sifford to adjourn the meeting. All aye. Motion carried. Meeting adjourned at 9:17 p.m.

Submitted for Council approval with/without corrections this 22 day of September, 2003.



Joseph Scherer, Mayor

Attest:



Mary A. Mogle, EMC City Clerk

